



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

January 10, 1996

Mr. Miles K. Risley  
Assistant City Attorney  
Legal Department  
City of Victoria  
P.O. Box 1758  
Victoria, Texas 77902-1758

OR96-0008

Dear Mr. Risley:

You ask whether certain information is subject to required public disclosure under the Texas Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 34508.

The City of Victoria (the "city") received an open records request for a copy of the offense report of the requestor's son, a juvenile. You contend the requested documents come under the protection of section 552.101 of the Government Code.

We agree. Section 552.101 of the Government Code protects "information considered to be confidential by law, either constitutional, *statutory*, or by judicial decision." (Emphasis added.) Section 51.14(d) of the Family Code provides in pertinent part:

(d) Except as provided by Article 15.27, Code of Criminal Procedure, and except for files and records relating to a charge for which a child is transferred under Section 54.02 of this code to a criminal court for prosecution, the law-enforcement files and records are not open to public inspection nor may their contents be disclosed to the public, but inspection of the files and records is permitted by:

- (1) a juvenile court having the child before it in any proceeding;
- (2) an attorney for a party to the proceeding; and

(3) law-enforcement officers when necessary for the discharge of their official duties.

Section 51.14(d) lists the persons or entities who may gain access to juvenile records; this section does not grant the law-enforcement officials controlling these documents discretion as to who else may see them. This is in contrast to other subsections in section 51.14 which allow "with leave of the juvenile court" inspection of other juvenile records by any person "with a legitimate interest." *See* Fam. Code §§ 51.14(a)(4), (b)(4). Although the Attorney General has held that provisions of section 51.14(d) are not violated by the release of general statistical law-enforcement data which provides no real opportunity for identification of the juvenile, *see* Attorney General Opinion H-529 (1975), law-enforcement agencies must withhold detailed reports pertaining to specific juveniles. *Open Records Decision No. 181 (1977)*. Accordingly, the city must withhold the arrest report pursuant to Family Code section 51.14(d).<sup>1</sup>

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Mr. Robert W. Schmidt  
Assistant Attorney General  
Open Records Division

RWS/RWP/ch

Ref.: ID# 34508

Enclosures: Submitted documents

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<sup>1</sup>We note that in the recent legislative session, the 74th Legislature repealed section 51.14 of the Family Code, effective January 1, 1996. Act of May 27, 1995, 74th Leg., R.S., ch. 262, §§ 100, 105, 106, 1995 Tex. Sess. Law Serv. 2517, 2590-91 (Vernon). We do not address in this ruling the effect of the legislature's action on requests made after January 1, 1996.